

1 BOIES, SCHILLER & FLEXNER LLP  
William A. Isaacson (*admitted pro hac vice*)  
2 wisaacson@bsflp.com  
David Boyd (*admitted pro hac vice*)  
3 dboyd@bsflp.com  
Melissa B. Willett (*admitted pro hac vice*)  
4 mwillett@bsflp.com  
5301 Wisconsin Ave., Suite 800  
5 Washington, DC 20015  
Telephone: 202-237-2727  
6 Facsimile: 202-237-6131

7 David L. Zifkin (SBN 232845)  
dzifkin@bsflp.com  
8 401 Wilshire Blvd., Suite 850  
Santa Monica, CA 90401  
9 Telephone: 310-752-2400  
Facsimile: 310-752-2490

10 BIRD, MARELLA, BOXER, WOLPERT, NESSIM, DROOKS,  
11 LINCENBERG & RHOW, P.C.  
Terry W. Bird (SBN 49038)  
12 twb@birdmarella.com  
1875 Century Park East, 23<sup>rd</sup> Floor  
13 Los Angeles, CA 90067  
Telephone: 310-201-2100  
14 Facsimile: 310-201-2110

15 Attorneys for Plaintiff

16 UNITED STATES DISTRICT COURT  
17 CENTRAL DISTRICT OF CALIFORNIA  
18 SOUTHERN DIVISION  
19

20 InfoSpan, Inc.,

21 Plaintiff,

22 v.

23 Emirates NBD Bank PJSC,

24 Defendant.  
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26  
27  
28

Case No. 8:11-CV-01062 JVS (ANx)

**NOTICE REGARDING PENDING  
EX PARTE APPLICATION TO  
COMPEL THE PRODUCTION OF  
DOCUMENTS**

Fact Discovery Cutoff: Oct. 16, 2014  
Pretrial Conference: Feb. 23, 2015  
Jury Trial: March 10, 2015

1 Plaintiff InfoSpan, Inc. ("Plaintiff") is filing this notice to advise the Court of  
2 Judge Selna's decision to send Plaintiff's pending Ex Parte Application to Compel  
3 the Production of Documents (Dkt. No. 142) to Judge Nakazato to be decided.  
4 Since the pending motion to compel has been fully briefed, Plaintiff respectfully  
5 requests that the Court either schedule it for hearing as soon hereafter as possible or  
6 rule on the briefs. For the Court's convenience, the pending motion to compel,  
7 opposition brief, reply brief, supporting declarations, and the recent scheduling  
8 orders in this action are attached hereto as Exhibits 1-9.

9 The following paragraphs provide the procedural background that led  
10 Plaintiff to file this notice.

11 1. Plaintiff filed an ex parte application to modify the schedule and an ex  
12 parte application to compel the production of documents on February 7, 2014.  
13 (Dkt. Nos. 141, 142.) Defendant Emirates NBD Bank PJSC ("Defendant") filed  
14 oppositions to those applications on February 10, 2014 (Dkt. Nos. 143, 145), and a  
15 supplemental response to the application to modify the schedule on February 10,  
16 2014. (Dkt. No. 151.) Plaintiff filed a combined reply brief in support of the  
17 applications on February 26, 2014. (Dkt. No. 152.)

18 2. In its supplemental response, Defendant requested a stay of discovery  
19 pending the outcome of its motion for reconsideration of the Court's denial of its  
20 motion to dismiss for lack of personal jurisdiction. (Dkt. No. 151.)

21 3. At a hearing on February 28, 2014, Judge Selna stayed discovery  
22 pending the outcome of Defendant's motion for reconsideration. Judge Selna also  
23 stated: (i) the application to modify the schedule "is clearly warranted," and (ii)  
24 "with regard to the Motion to Compel, there is a legitimate dispute here occasioned  
25 in part by the late disclosure as to exactly what search terms and mechanisms the  
26 bank used to conduct its searches."

27 4. On April 10, 2014, the Court entered an order denying Defendant's  
28 motion for reconsideration. (Dkt. No. 172).

1           5.     On May 23, 2014, Judge Selna held a scheduling conference to set  
2 new case management dates in this action. At the conference, Judge Selna ruled  
3 that the pending motion to compel documents would go to Judge Nakazato to be  
4 decided. Thereafter, counsel for Plaintiff attempted unsuccessfully to reach Judge  
5 Nakazato's courtroom deputy regarding Judge Selna's decision. As a result and  
6 after conferring with counsel for Defendant, Plaintiff is filing this notice to inform  
7 the Court of Judge Selna's decision.

8           6.     Since the pending motion to compel has been fully briefed, Plaintiff  
9 respectfully requests that the Court schedule it for hearing as soon hereafter as  
10 possible or rule on the briefs.

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12                               Respectfully submitted,

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14     Dated: June 26, 2014

BOIES, SCHILLER & FLEXNER LLP

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16                               By: /s/ David L. Zifkin.  
17                               William A. Isaacson (*pro hac vice*)  
18                               David Boyd (*pro hac vice*)  
                              David L. Zifkin (SBN 232845)  
                              Melissa B. Willett (*pro hac vice*)

19                               BIRD, MARELLA, BOXER, WOLPERT,  
20                               NESSIM, DROOKS, LINCENBERG &  
                              RHOW, P.C.

21                               Terry W. Bird (SBN 49038)

22                               Attorneys for Plaintiff  
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25  
26  
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